

LH

FILED

NO. CR51328

2018 SEP 17 AM 11:07

STATE OF TEXAS	§	IN THE DISTRICT COURT OF
	§	
VS.	§	MIDLAND COUNTY, TEXAS
	§	BY _____ DEPUTY
SEBASTIAN ZAPATA	§	385 th JUDICIAL DISTRICT

DEFENDANT'S FIRST MOTION IN LIMINE - PRIOR CONVICTIONS

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant, SEBASTIAN ZAPATA, in the above entitled and numbered cause, by and through his attorney of record, Thomas S. Morgan, and before jury selection commences and moves the Court in limine to instruct counsel for the State of Texas, and all witnesses for the State of Texas, not to mention, refer to, interrogate concerning, or bring to the attention of the jury or the venire in any manner, directly or indirectly, evidence that the Defendant has convicted of any prior offense, either misdemeanor or felony, other than the offense specifically alleged in the indictment in this cause, without first giving the Defendant opportunity to perfect her objections to such evidence. Specifically, the Defendant moves that the State be instructed to inform counsel for the Defendant, outside the hearing of the jury, that the State intends to introduce such evidence so that the Defendant may present her objections to such evidence outside the hearing of the jury.

As reason for such motion the Defendant would show the Court that evidence may exist that the Defendant has committed offenses other than that alleged in the complaint herein. The fact of such offense, if it is a fact, is wholly irrelevant to any issue in this cause, and if admitted before the jury would be grossly prejudicial as not to be curable by instruction, and would necessitate a mistrial.

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SEP 17 2018
DISTRICT ATTORNEY

Respectfully submitted,

Thomas S. Morgan
Attorney At Law
1902 W. Illinois
Midland, Texas 79701
Tel: (432) 683-2703
Fax: (432) 684-7314
Attorney for Defendant

By: Thomas S. Morgan
Thomas S. Morgan
State Bar No. 14452500

CERTIFICATE OF SERVICE

I, Thomas S. Morgan, hereby certify that on the 17 day of September, 2018, a true and correct copy of the foregoing Defendant's First Motion In Limine - Prior Convictions was hand delivered to the Midland District Attorney, Midland County Courthouse.

Thomas S. Morgan
Thomas S. Morgan

NO. CR51328

STATE OF TEXAS

VS.

SEBASTIAN ZAPATA

§
§
§
§
§

IN THE DISTRICT COURT OF

MIDLAND COUNTY, TEXAS

385th JUDICIAL DISTRICT

ORDER ON DEFENDANT'S FIRST MOTION IN LIMINE - PRIOR CONVICTIONS

After considering the foregoing Defendant's First Motion In Limine - Prior Convictions, including evidence and argument of counsel, the Court finds that the Motion should, in all things, be granted.

IT IS THEREFORE ORDERED that the Defendant's First Motion In Limine - Prior Convictions be and is hereby GRANTED.

SIGNED ther the ____ day of _____, 2018.

JUDGE PRESIDING

LH

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NO. CR51328

AL. J. ...
DISTRICT CLERK
MIDLAND COUNTY, TEXAS
BY ... DEPUTY

STATE OF TEXAS	§	IN THE DISTRICT COURT OF
	§	
VS.	§	MIDLAND COUNTY, TEXAS
	§	
SEBASTIAN ZAPATA	§	385 th JUDICIAL DISTRICT

DEFENDANT'S SECOND MOTION IN LIMINE - EXTRANEIOUS OFFENSES

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant, SEBASTIAN ZAPATA, in the above entitled and numbered cause, by and through her attorney of record, Thomas S. Morgan, and before jury selection commences and moves the Court in limine to instruct counsel for the State of Texas, and all witnesses for the State of Texas, not to mention, refer to, interrogate concerning, or bring to the attention of the jury or the venire in any manner, directly or indirectly, evidence of an extraneous offense on the part of Defendant, without first giving the Defendant opportunity to perfect her objections to such evidence. Specifically, the Defendant moves that the State be instructed to inform counsel for the Defendant, outside the hearing of the jury, that the State intends to introduce such evidence so that the Defendant may present her objections to such evidence outside the hearing of the jury.

As reason for such motion the Defendant would show the Court that at some point in the trial, the State may attempt to adduce evidence that the Defendant is guilty of an offense other than the offense on trial. The fact of such offense, if it is a fact, is wholly irrelevant to any issue in ther cause, and if admitted before the jury would be grossly prejudicial as not to be curable by

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DISTRICT ATTORNEY

instruction, and would necessitate a mistrial.

Respectfully submitted,

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Tel: (432) 683-2703
Fax: (432) 684-7314
Attorney for Defendant

By: Thomas S. Morgan
Thomas S. Morgan
State Bar No. 14452500

CERTIFICATE OF SERVICE

I, Thomas S. Morgan, hereby certify that on the 17 day of September, 2018, a true and correct copy of the foregoing Defendant's Second Motion In Limine - Extraneous Offenses was hand delivered to the Midland District Attorney, Midland County Courthouse.

Thomas S. Morgan
Thomas S. Morgan

NO. CR51328

STATE OF TEXAS

VS.

SEBASTIAN ZAPATA

§
§
§
§
§

IN THE DISTRICT COURT OF

MIDLAND COUNTY, TEXAS

385th JUDICIAL DISTRICT

ORDER ON DEFENDANT'S SECOND MOTION IN LIMINE - EXTRANEIOUS OFFENSES

After considering the foregoing Defendant's Second Motion In Limine - Extraneous Offenses, including evidence and argument of counsel, the Court finds that the Motion should, in all things, be granted.

IT IS THEREFORE ORDERED that the Defendant's Second Motion In Limine - Extraneous Offenses be and is hereby GRANTED.

SIGNED the _____ day of _____, 2018

JUDGE PRESIDING

LH

FILED

2018 SEP 17 AM 11:08

NO. CR51328

ALLA W. WILSON
DISTRICT CLERK
MIDLAND COUNTY, TEXAS
DEPUTY

STATE OF TEXAS	§	IN THE DISTRICT COURT OF
	§	
VS.	§	MIDLAND COUNTY, TEXAS
	§	
SEBASTIAN ZAPATA	§	385 th JUDICIAL DISTRICT

DEFENDANT'S THIRD MOTION IN LIMINE -POLYGRAPH EXAM

TO THE HONORABLE JUDGE OF SAID COURT:

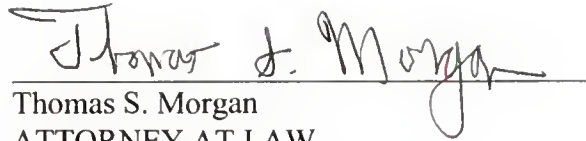
COMES NOW the Defendant, SEBASTIAN ZAPATA, in the above entitled and numbered cause, by and through her attorney of record, Thomas S. Morgan, and before jury selection commences and moves the Court in limine to instruct counsel for the State of Texas, and all witnesses for the State of Texas, not to mention, refer to, interrogate concerning, or bring to the attention of the jury or the venire in any manner, directly or indirectly, evidence of the opinion testimony that witnesses believe sexual assault occurred, without first giving the Defendant opportunity to perfect her objections to such evidence. Specifically, the Defendant moves that the State be instructed to inform counsel for the Defendant, outside the hearing of the jury, that the State intends to introduce such evidence so that the Defendant may present her objections to such evidence outside the hearing of the jury.

As reason for such motion the Defendant would show the Court that at some point in the trial, the State may attempt to adduce evidence that the Defendant is guilty of an offense other than the offense on trial. The fact of such offense, if it is a fact, is wholly irrelevant to any issue in ther cause, and if admitted before the jury would be grossly prejudicial as not to be curable by

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DISTRICT ATTORNEY

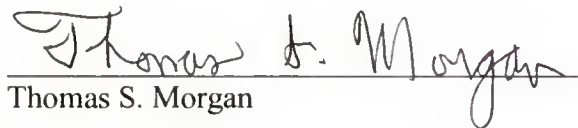
instruction, and would necessitate a mistrial.



Thomas S. Morgan
ATTORNEY AT LAW
1902 W. Illinois
MIDLAND, TEXAS 79701
(432) 683-2703
(432) 684-7314 FAX NUMBER
STATE BAR I.D. NO. 14452500
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I, Thomas S. Morgan, hereby certify that on the 17 day of September, 2018, a true and correct copy of the foregoing Defendant's Third Motion In Limine - Polygraph Exam was hand delivered to the Midland District Attorney, Midland County Courthouse.



Thomas S. Morgan

NO. CR51328

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VS.	§	MIDLAND COUNTY, TEXAS
	§	
SEBASTIAN ZAPATA	§	385 th JUDICIAL DISTRICT

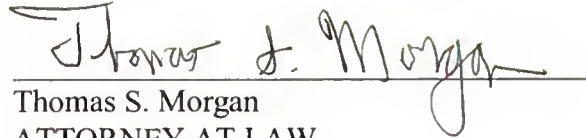
DEFENDANT'S THIRD MOTION IN LIMINE -POLYGRAPH EXAM

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant, SEBASTIAN ZAPATA, in the above entitled and numbered cause, by and through her attorney of record, Thomas S. Morgan, and before jury selection commences and moves the Court in limine to instruct counsel for the State of Texas, and all witnesses for the State of Texas, not to mention, refer to, interrogate concerning, or bring to the attention of the jury or the venire in any manner, directly or indirectly, evidence of the opinion testimony that witnesses believe sexual assault occurred, without first giving the Defendant opportunity to perfect her objections to such evidence. Specifically, the Defendant moves that the State be instructed to inform counsel for the Defendant, outside the hearing of the jury, that the State intends to introduce such evidence so that the Defendant may present her objections to such evidence outside the hearing of the jury.

As reason for such motion the Defendant would show the Court that at some point in the trial, the State may attempt to adduce evidence that the Defendant is guilty of an offense other than the offense on trial. The fact of such offense, if it is a fact, is wholly irrelevant to any issue in ther cause, and if admitted before the jury would be grossly prejudicial as not to be curable by

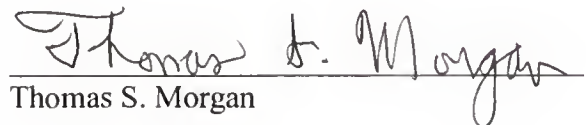
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Thomas S. Morgan
ATTORNEY AT LAW
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STATE BAR I.D. NO. 14452500
ATTORNEY FOR DEFENDANT

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Thomas S. Morgan